

McGREGOR W. SCOTT
United States Attorney
MICHAEL M. BECKWITH
Assistant U.S. Attorney
501 I St., Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2797

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CR. No. S-05-0141 MCE
)	
v.)	
)	MOTION TO DISMISS INDICTMENT
FRANCISCO MONTOYA-GARCIA,)	and PROPOSED ORDER
)	DISMISSING INDICTMENT
Defendant.)	
_____)	

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, Plaintiff, United States of America, by and through its undersigned attorney, requests that this Honorable Court file an order dismissing the indictment against Francisco Montoya-Garcia, filed on April 7, 2005, in CR. No. S-05-0141 MCE.

///

///

///

///

///

///

///

///

1 On April 19, 2005, Immigration & Customs Enforcement officers
2 deported the defendant from the United States. Consequently, the
3 United States no longer wishes to pursue criminal charges against
4 the defendant.

5 DATED: August 4, 2005

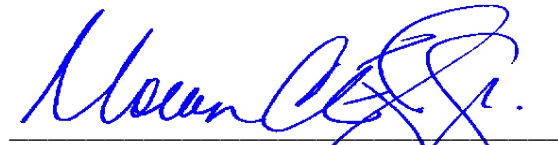
McGREGOR W. SCOTT
United States Attorney

6
7
8 By /s/ Michael M. Beckwith
MICHAEL M. BECKWITH
9 Assistant U.S. Attorney

10
11
12 O R D E R

13 APPROVED AND SO ORDERED:

14
15 DATED: August 12, 2005

16
17
18 
19 MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE